

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC -1 AM 10:46

TIMOTHY M. BURGESS
United States Attorney

DANIEL R. COOPER, JR.
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 W. 7th Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
(907) 271-5071

SUSAN AUER
Special Assistant U.S. Attorney
NOAA, Office of the General Counsel
P.O. Box 21109
Juneau, Alaska 99802
(907) 586-7414, ext. 222

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. A04-061 CV (RAB)
)	
Plaintiff,)	<u>MOTION FOR DECREE</u>
v.)	<u>OF FORFEITURE</u>
)	
Proceeds In The Amount Of \$80,288.52)	
From The Sale Of 68,163 Pounds Of)	
<i>C. Opilio</i> (Snow) Crab,)	
)	
Defendant.)	
_____)	

Pursuant to Fed. R. Civ. P. 55 and Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Plaintiff United States of America respectfully moves this Court for entry of a decree of forfeiture. Said motion is supported by the previously filed Verified Complaint for Forfeiture, In Rem Warrant of Arrest, and the attached Declaration

of Counsel. A proposed decree of forfeiture is submitted herewith.

Respectfully submitted this 1st day of December, 2005 in Anchorage, Alaska.

TIMOTHY M. BURGESS

United States Attorney


DANIEL R. COOPER, JR.

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a true and correct copy of the foregoing MOTION FOR DECREE OF FORFEITURE, DECLARATION OF COUNSEL, and proposed DECREE OF FORFEITURE were sent via U.S. Mail this 1st day of October, 2005 to:

JESS G. WEBSTER (Counsel for Hjelle Enterprises, Inc.)
Mikkelborg, Broz, Wells & Fryer
1001 Fourth Avenue Plaza, Suite 3600
Seattle, WA 98154

BRUCE M. HULL (Counsel for Russian Federation)
Law Offices of Bruce M. Hull
14100 SE 36th Street, Suite 100
Bellevue, WA 98006


Office of the U.S. Attorney

TIMOTHY M. BURGESS
United States Attorney

DANIEL R. COOPER, JR.
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. A04-061 CV (RRB)
)	
Plaintiff,)	<u>DECLARATION OF COUNSEL</u>
v.)	<u>IN SUPPORT OF MOTION FOR</u>
)	<u>DECREE OF FORFEITURE</u>
Proceeds In The Amount Of \$80,288.52)	
From The Sale Of 68,163 Pounds Of)	
<i>C. Opilio</i> (Snow) Crab,)	
)	
Defendant.)	
_____)	

I, DANIEL R. COOPER, JR., am an Assistant United States Attorney and represent the plaintiff, the United States of America, in this action.

1. A Verified Complaint For Forfeiture was filed on March 22, 2004. The Complaint alleges that the defendant property, described as Proceeds In The Amount Of \$80,288.52 From The Sale Of 68,163 Pounds Of *C. Opilio* (Snow) Crab, represents the fair

market value of *c. opilio* crab taken by the F/V PACIFIC STAR while fishing in the Exclusive Economic Zone ("EEZ") of the Russian Federation, in violation of United States and Russian law, specifically, in violation of the provisions of the Magnuson-Stevens Fishery Conservation and Management Act ("MSFCMA") and regulations promulgated thereunder, including 16 U.S.C. § 1857(1)(A) and (G), and 50 C.F.R. § 300.156(a), (n) and (o), and in violation of the provisions of the Lacey Act under 16 U.S.C. § 3374(a)(1), and is, therefore, subject to forfeiture to the United States of America. Docket 1.

2. An In Rem Warrant of Arrest was issued by the Clerk of Court on March 22, 2004, providing that all persons interested in the defendant property were required to file their verified statements with the Clerk of Court within 30 days of the earlier of receiving actual notice of execution of process or completed publication of notice, pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. Also pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims, persons claiming an interest in said property shall serve and file their answers within 20 days after the filing of the statement of interest with the Clerk of Court, United States District Court, with a copy thereof sent to the undersigned.

3. Notice of this action was published by the National Oceanic and Atmospheric Administration (NOAA) in the Anchorage Daily News on April 27, 2004, May 4, 2004, and May 11, 2004.

4. On March 22, 2004, Bruce M. Hull (counsel for the Russian Federation) was served with copies of the Verified Complaint for Forfeiture, Praecipe for Expedited Issuance of Warrant of Arrest By Clerk of Court, and In Rem Warrant of Arrest via U.S. Mail.

5. On March 22, 2004, Jess G. Webster (counsel for Hjelle Enterprises, Inc.) was served with copies of the Verified Complaint for Forfeiture, Praecipe for Expedited Issuance of Warrant of Arrest By Clerk of Court, and In Rem Warrant of Arrest via U.S. Mail.

6. On April 7, 2004, Hjelle Enterprises filed a Verified Statement of Interest, and filed an Answer to the Verified Complaint on May 7, 2004.

7. On April 19, 2005, the Russian Federation filed a Verified Statement of Interest and filed an Answer to the Verified Complaint on May 3, 2004.

8. On January 21, 2005, the Russian Federation filed a Notice of Voluntary Dismissal of Claims against the defendant property.

9. On November 30, 2005, the court signed the Order of Dismissal With Prejudice of Hjelle's claims against the defendant property.

10. No other claims or answers have been filed in this action.

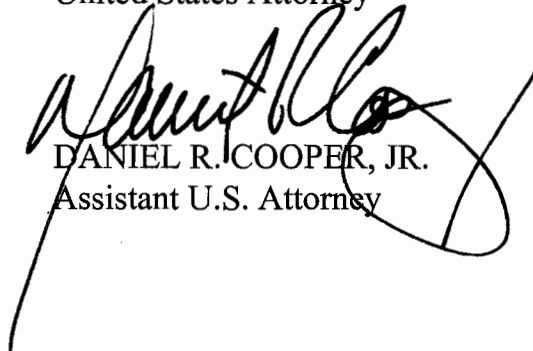
11. Declarant knows of no reason why a decree for the forfeiture of the defendant

property should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 1st day of December, 2005 in Anchorage, Alaska.

TIMOTHY M. BURGESS
United States Attorney



DANIEL R. COOPER, JR.
Assistant U.S. Attorney

FILED

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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

By 

Marilyn J. Kamm
Assistant Attorney General
Department of Law
Criminal Division Central Office
P.O. Box 110300
Juneau, AK 99811
(907) 465-3428
FAX: (907) 465-4043
Alaska Bar No. 7911105
Attorney for Defendants Bingham,
Robertson, Lyden, Brandon &
Norcross

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

WILLIAM MACK,

Plaintiff,

vs.

REBECCA BINGHAM, M.D., ET AL.,

Defendants.

Case No. A04-193 CV (RRB)

**JOINDER IN DEFENDANTS' GREENE AND VERSHOOR'S REPLY TO
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

Come now defendants Bingham, Robertson, Norcross, Brandon and
Lyden, by and through their attorney of record, Marilyn J. Kamm, Assistant Attorney
General, and hereby join in defendants Vershoor's and Greene's Reply Memorandum
to Plaintiff's Response to Motion for Summary Judgment


Dated this 28th day of November, 2005, at Juneau, Alaska.

Joinder in Reply
Mack v. Bingham, et al., Case A04-193 CV (RRB)
Page 1 of 2.

DEPARTMENT OF LAW - CRIMINAL DIVISION
ATTORNEY GENERAL, STATE OF ALASKA
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: (907) 465-3428 FAX: (907) 465-4043

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1
2 DAVID W. MÁRQUEZ
3 ATTORNEY GENERAL

4 By: 
5 Marilyn J. Kamm
6 Assistant Attorney General
7
8

9 I certify that on November 28, 2005, I caused to be
10 mailed a true and correct copy of the foregoing
11 with first class postage, via the U.S. Post Office to:

12 William Mack
13 CCA/FCC
14 PO Box 6200
15 Florence, AZ 85232

Michael D. Corey
Sandberg, Wuestenfeld & Corey
701 W. 8th Ave, Suite 1100
Anchorage, AK 99501

Timothy Bojanowski
Jones, Skelton & Hochuli
2901 North Central Ave, Suite 800
Phoenix, AZ 85012

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17 Marilyn J. Kamm
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ATTORNEY GENERAL, STATE OF ALASKA
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: (907) 465-3428 FAX: (907) 465-4043

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Page 2 of 2.